that the government did not dispute the Petitioner's contention that the *Mortera-Cruz* rule casts the government under an appearance of impropriety. Any precedent decision allowing the government to unjustly accept a $1,000 penalty fee based upon the promise that the alien's illegal entry into the country will be forgiven, and then allows the government to keep the money and deport the same alien – on account of the same illegal entry it promised to forgive – is so manifestly unjust that it is sufficient to trigger this court's jurisdiction.

Respectfully submitted,

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